

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, personally appeared **KEITH C. LIVESAY**, a credible person known to me who, and first being duly sworn, did swear and state as follows:

“My name is Keith C. Livesay. I am above the age of eighteen (18) years of age, am of sound mind, have never been convicted of a crime of moral turpitude, and am competent to make this affidavit. The facts contained in this Affidavit are based upon my own personal knowledge based on my conduct and observation, and are true and correct.”

I am a licensed attorney who is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. My legal practice primarily focuses on legal research and the preparation of legal briefs. Furthermore, a large percentage of my practice consists of ghost writing for other attorneys.

I have known Mr. Mark Cantu for approximately 35 years and have regularly assisted him with legal research and briefs during this time. While in the past, he has been able to articulate legal problems and assist in the preparation of such items, I have noticed such ability decrease in the past few years. I have found it more and more difficult to explain legal concepts to him.

Mark showed me the friend of the court brief which had been prepared and filed by the Hidalgo County District Attorney’s Office in his state court matter. As a favor, he requested that I prepare a response. He did not explain to me what he wanted included in the brief or what issues should be addressed.

I personally review the District Attorney’s Brief, and determined what issues should be addressed. I then performed the research and prepared the substance of brief. I did not explain

the legal concepts involved (such as invited error) to Mark; I don't think he would have understood them.

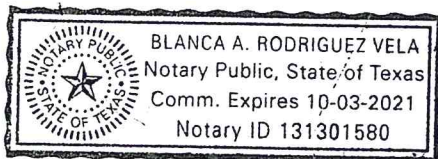
After I prepared the legal portion of the brief, I forwarded it to his office with instructions that they should format and add any additional material they deemed appropriate. His office added additional background facts which appear in the brief, such as those mentioning Judge Ramirez and Judge Benavides. His office formatted the brief based on previously prepared items; I don't think Mark knows about formatting. His office then filed the brief. My understanding is that he was not involved other than receiving it.

Mark contacted me yesterday and said that Ronald G. Hole, on behalf of Guerra & Moore, claimed that Mark himself wrote the brief. Obviously, Mr. Hole could reasonably make this assertion because my name is not on the brief; however, I can assure the Court that I wrote the brief, which can be attested to by anyone familiar with Mark's writing and oratory.

Affiant further sayeth not.


KEITH C. LIVESAY

SUBSCRIBED and SWORN TO BEFORE ME on this 19th day of May 2019, to certify which, witness my hand and seal of office.




Notary Public, State of Texas

My Commission Expires: 10/3/21